

10

LUC-464 / Barclay 11-51-10-10-9

**Remarks**

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. By this amendment, claims 1, 2, 4, 5, and 7-21 are amended and claims 6 and 22 are canceled. These amendments to the claims constitute a bona fide attempt by applicants to advance prosecution of the application and obtain allowance of certain claims, and are in no way meant to acquiesce to the substance of the rejections. Support for the amendments can be found throughout the specification (e.g., page 3, line 24 to page 4, line 3; page 6, lines 3-9; page 7, line 24 to page 8, line 4), figures (e.g., FIG. 2), and claims and thus, no new matter has been added. Claims 1-5 and 7-21 are pending.

11

LUC-464 / Barclay 11-51-10-10-9

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-8, 10, 11, and 14-22 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Reichelt et al. (U.S. Patent No. 6,295,447; "Reichelt"). Claim 9 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Reichelt in view of Valentine et al. (U.S. Patent No. 6,487,209; "Valentine"). Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Reichelt in view of Ahlberg et al. (U.S. Patent No. 5,657,372; "Ahlberg"). These rejections are respectfully, but most strenuously, traversed.

Applicants respectfully submit that the Office Action's citations to the applied references, with or without modification or combination, assuming, *arguendo*, that the modification or combination of the Office Action's citations to the applied references is proper, do not teach or suggest the mobile switching center that communicates the default call waiting indication to the mobile user for an incoming call from a non-preferred user and communicates the preferred call waiting indication to the mobile user for the incoming call from a preferred user, wherein the preferred user is a member of the call waiting feature group, as recited in applicants' independent claim 1.

For explanatory purposes, applicants discuss herein one or more differences between the claimed invention and the Office Action's citations to Reichelt, Valentine, and Ahlberg. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citations to Reichelt, Valentine, or Ahlberg correspond to the claimed invention.

Reichelt (column 10, lines 58-62; column 7, lines 8-27) discloses evaluating logical expressions to determine whether or not to execute a relevant feature. Reichelt discloses that the

12

LUC-464 / Barclay 11-51-10-10-9

call waiting feature is either on or off. Reichelt fails to disclose a default call waiting indication and a preferred call waiting indication that are communicated to the user of the mobile phone.

Accordingly, the Office Action's citation to Reichelt fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

Valentine (Abstract) discloses:

The present invention provides a system and method for reliably transferring Dual Tone Multiple Frequency (DTMF) signals originating at a MS through an IP based GSM network. In general, when a MS sends a DTMF request, it is processed in the IP network by a logical application module in a MSC, which, based on the disclosed processing, activates another logical application module in an appropriate gateway (for independent, remote, tone generation), and then the logical application module in the gateway directs the production of the DTMF signal towards the interworking or destination network.

Valentine discloses transferring DTMF signals over an IP based network. Valentine fails to disclose the mobile switching center that communicates the default call waiting indication to the mobile user for the incoming call from the non-preferred user and communicates the preferred call waiting indication to the mobile user for the incoming call from the preferred user, wherein the preferred user is a member of the call waiting feature group.

Accordingly, the Office Action's citation to Valentine fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

Ahlberg (column 3, lines 45-57) discloses:

A cellular radio communications system according to the present invention includes notification means for alerting a user of a cellular telephone that a source telephone has placed a telephone call to the cellular telephone. The cellular radio communications system also includes answering delay means, responsive to the notification means and further responsive to the actuation of a hold selection means by the user of the cellular telephone, for accepting the telephone call from the source telephone without establishing voice communications between the cellular telephone and a source telephone. Thus, the user can accept the incoming telephone call

13

LUC-464 / Barclay 11-51-10-10-9

without ever conversing with the calling party such that the user can continue their present activities.

Ahlberg discloses accepting a new call and placing the call on hold. Ahlberg fails to disclose the mobile switching center that communicates the default call waiting indication to the mobile user for the incoming call from the non-preferred user and communicates the preferred call waiting indication to the mobile user for the incoming call from the preferred user, wherein the preferred user is a member of the call waiting feature group.

Accordingly, the Office Action's citation to Ahlberg fails to satisfy at least one of the limitations recited in applicants' independent claim 1.

The Office Action's citations to Reichelt, Valentine, and Ahlberg all fail to meet at least one of applicants' claimed features. For example, there is no teaching or suggestion in the Office Action's citations to Reichelt, Valentine, or Ahlberg of the mobile switching center that communicates the default call waiting indication to the mobile user for an incoming call from the non-preferred user and communicates the preferred call waiting indication to the mobile user for the incoming call from the preferred user, wherein the preferred user is a member of the call waiting feature group, as recited in applicants' independent claim 1.

For all the reasons presented above with reference to claim 1, claims 1, 14, and 19 are believed neither anticipated nor obvious over the art of record. The corresponding dependent claims are believed allowable for the same reasons as independent claims 1, 14, and 19, as well as for their own additional characterizations.

Withdrawal of the §§ 102 and 103 rejections is therefore respectfully requested.

May 05 2006 4:23PM

Carmen Patti &amp; Associates 312-346-2810

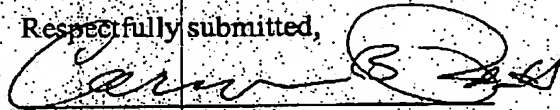
p. 14

14

LUC-464 / Barclay 11-51-10-10-9

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



Carmen B. Patti  
Attorney for Applicants  
Reg. No. 26,784

Dated: May 5, 2006

CARMEN B. PATTI & ASSOCIATES, LLC  
Customer Number 47382